

REMARKS

In the Office Action dated May 4, 2005, claims 1-3 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,784,172 to Coleman et al. (US, 5,784,172).

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coleman et al. in view of Dermer et al. (US, 5,313,570).

Summary of the Response to the Office Action

Applicant amends independent claims 1-2, 6-7, and 9 to further define the invention. Accordingly, claims 1-9 are presently pending.

All Claims Define Allowable Subject Matter**Rejection of Claims under 35 U.S.C. §§102(b) and 103(a)**

Claims 1-3 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Coleman et al., and claims 4 - 5 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coleman et al. in view of Dermer et al. Applicant respectfully traverses the rejections and the Office Action's interpretation of the applied references for at least the following reasons.

Independent claims 1, 2 and 7, as amended, all recite an image processing device including, in part "a branching unit that identifies a type of image data; a black area detector that detects a black area in the image data identified by the branching unit; an image interpreting unit that sequentially interprets the image data detected by the black area detector regardless of contents of the image data in a background of the black area." Similarly, independent claims 6 and 9, as amended, recite an image processing method including, in part "identifying a type of image data; interpreting the identified image data sequentially regardless of contents of the

image data in a background of the black area.” Applicant respectfully submits that at least these features of amended independent claims 1-2, 6-7, and 9 are neither taught nor suggested by Coleman et al. and Dermer et al., whether taken singly or combined.

In the Office Action, the Examiner admits at page 2 under the “Response to Arguments” that Coleman et al. teaches different steps for process black colors and non-process colors (being the two output paths from step S410 as depicted in FIG. 9), thus failing to show the newly added limitation that requires interpreting the image data regardless of the background color of a black area. However, the Examiner alleges that the claims can still be interpreted by Coleman et al. using the steps described in FIG. 8, instead of the steps described in FIG. 9. Applicant respectfully disagrees.

In contrast to the Applicant’s claimed invention, the image processing step S30 of Coleman et al. is implemented to process a collection of random colored objects prior to the object processing step S40 (col. 5, line 59 to col. 6, line 4 and FIG. 8). Applicant respectfully submits that sub-steps S405-S480 of S40 are performed on such random colored objects (FIG. 9); however, Applicant’s claimed invention is adapted to process a known type of colored object in the black object processing such that the collection of random colored objects are divided into multiple known type objects prior to the black object processing. Applicant respectfully submits that Coleman et al. does not teach or suggest the features dividing the collection of random colored objects into multiple known object types before each known type object can be processed. Accordingly, since Coleman et al. fails to teach each and every element as recited in independent claims 1- 2, 6-7, and 9, Applicant respectfully asserts that Coleman et al. fails to anticipate at least claims 1-2, 6-7, and 9. Thus, Applicant respectfully requests that the rejection of claims 1- 2, 6-7 and 9 under 35 U.S.C. § 102(b) be withdrawn. In addition,

Applicant respectfully submits that dependent claims 3 and 8 are allowable for at least the same reasons as set forth above with regard to amended independent claims 1 and 7 upon which they respectfully depend, as well as the individual features they recite.

Furthermore, in light of the arguments presented above, Applicant respectfully submits that Dermer et al. fails to cure the deficiencies of Coleman et al. Accordingly, Applicant respectfully asserts that Coleman et al. and Dermer et al., whether taken singly or combined, fail to teach or suggest all the features of the claims. Thus, Applicant respectfully submits that the rejection of dependent claims 4 and 5 under 35 U.S.C. 103(a) be withdrawn because features recited in dependent claims 4 and 5 are neither taught nor suggested by the applied references, whether taken singly or combined.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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